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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/660,976	09/11/2003	Franco Vitaliano	VXM-001C (9374/2)	7892
7590 11/06/2006		EXAMINER		
Franco Vitaliano and Gordana Vitaliano 4 Longfellow Place, #2105			NEGIN, RUSSELL SCOTT	
Boston, MA 02114-2818			ART UNIT	PAPER NUMBER
		•	1631	

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.	Applicant(s)	
10/660,976	VITALIANO ET AL.	
Examiner	Art Unit	
Russell S. Negin	1631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

at decument filed on 16 October 2006 is considered non-compliant because it has failed to meet the

eq	uirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following n(s) is required.
ГНІ	E FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT: 1. Amendments to the specification: A. Amended paragraph(s) do not include markings. B. New paragraph(s) should not be underlined. C. Other
	 2. Abstract: A. Not presented on a separate sheet. 37 CFR 1.72. B. Other
	 3. Amendments to the drawings: A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d). B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required. C. Other
	 4. Amendments to the claims: A. A complete listing of all of the claims is not present. B. The listing of claims does not include the text of all pending claims (including withdrawn claims) C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended). D. The claims of this amendment paper have not been presented in ascending numerical order. E. Other: See Continuation Sheet.
	5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
	further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.
	ME PERIODS FOR FILING A REPLY TO THIS NOTICE:
1.	Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
2.	Applicant is given one month , or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a <i>Quayle</i> action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other: Rule 37 CFR 1.121(c)(1) states:

Claim listing. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1-5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

In this instance, claim(s) were embedded within the text of the "Remarks" section.

RSN 31 October 2006.

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JOHN S. BRUSCA, PH.D PRIMARY EXAMINER

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